

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-43 were filed in the present application. Claims 1-8, 12, 15, 18, 26, 35-38, and 40-43 stand rejected under various rejections, and Claims 10, 11, 13, 14, 16, 17, 19-25, 27-34, and 39 stand objected to. As outlined above, Claims 18, 25-28, 30, 33, 36, 41, and 43 have been amended; and Claims 1-17, 31, 35, and 40 have been canceled. Therefore, Claims 18-30, 32-34, 36-39, and 41-43 are pending in this application.

Applicants note that, through a ministerial error, Claim 9 was skipped in the original application. Because all of Claims 1-17 have been canceled, Applicants will ignore any reference to Claim 9, and treat it as canceled, *ab initio*.

The amended claims are fully supported in the specification as originally filed. In particular, the newly added language in Claim 18 is supported in originally filed Claim 1 and in the specification at page 11, line 19, through page 12, line 5, and at page 17, lines 5-17. In particular, the term “separate” follows logically from the disclosure of “a further layer of material” at page 11, line 24, and the multilayered films useful as one of the “layers” of the present invention disclosed at page 17, lines 5-17.

The newly added language in Claims 26 and 27 is supported in originally filed Claims 1 and 10.

As discussed below, the amendment to Claim 30 adds the clearly missing term “layer”.

The newly added language in Claim 33 is supported in originally filed Claim 1.

Additional changes to the claims relate to amended dependencies throughout the claims, especially relating to the cancellation of Claims 1-17.

### **Objections**

The Office has objected to Claims 6 and 30 due to informalities. As outlined above, Claim 6 has been canceled, and Claim 30 has been amended to address the identified informality. Withdrawal of the objection to Claim 30 is therefore earnestly solicited..

### Rejections

Claims 1-5, 12, 15, 35-38, and 43 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zunker et al., US Pat. No. 6,090,098 ("Zunker"). Applicants respectfully traverse this rejection.

Applicants note that of the claims subject to this rejection, Claims 1-17, and 35 have been canceled, so only Claims 36-38 and 43 remain of the rejected claims. These claims are now dependent upon independent claim 18 which is not subject to this rejection. Applicants respectfully submit that these claims are therefore patentable over Zunker. Reconsideration and withdrawal of this rejection are earnestly solicited.

Claims 1, 6, 8, 18, 26-28, and 40 stand rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al., US Appn. No. 2003/0093049A1 ("Johnson"). Applicants respectfully traverse this rejection.

Applicants note that of the claims subject to this rejection, Claims 1, 6, 8, and 40 have been canceled, so only Claims 18 and 26-28 remain of the rejected claims.

The invention of Claims 18 and 26-28 relates to an intravaginal device for feminine hygiene having a core which is surrounded by a sheathing. Claim 18 also requires the sheathing to have at least two separate layers of material which at least partially lie one on top of the other and are bonded to one another. Claim 28 adds the limitation that the sheathing has three-layers. In addition to the limitations of Claim 18, Claims 26 and 27 also require the sheathing to be impervious to liquid water, and to have a MVTR of greater than about  $4000 \text{ g/m}^2 / 24 \text{ h}$ . Claim 26 also requires the sheathing an at least partially microporous layer, while Claim 27 also requires the sheathing to have an at least partially microperforated layer.

Johnson discloses a fluid-impervious plastic material that is formed of a laminate having at least three layers. The base film that is to be apertured can be extruded through multiple extruders to form the three-layered co-extruded film.

The Office Action indicates that Johnson teaches a sheathing comprising "at least two layers of material which at least partially lie one on top of the other and are bonded to one another". Applicants respectfully submit that the present invention relates to attaching two separate materials to enable the sheathing to combine properties of such distinct materials. For example, a nonwoven layer and an apertured film layer, or an apertured film layer and a microporous layer. This allows the use of an apertured film in conjunction with a material that is

not apertured. Applicants respectfully submit that the additional limitations of Claims 26-28 are not disclosed or suggested in the Johnson reference. Reconsideration and withdrawal of the rejection of these claims are earnestly solicited.

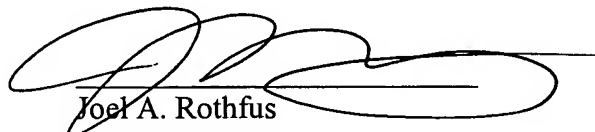
Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, and Claims 41 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zunker. Applicants respectfully traverse these rejections.

As noted above, Claim 7 has been canceled, rendering moot the rejection. Claims 41 and 42 are dependent upon independent claim 18, adding further limitations regarding axial compressive resistance. Applicants respectfully submit that Zunker fails to teach or suggest the invention of Claim 18, let alone the specific compressive resistance required by Claims 41 and 42. Reconsideration and withdrawal of these rejections are earnestly solicited.

Applicant notes the indication that Claims 10, 11, 13, 14, 16, 17, 19, 20, 27-34, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable is rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Office for this indication, and they have amended the claims pending in the application. Therefore, Applicants believe that pending claims all are patentable over the cited references.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,



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